UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *5/6/2008*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Response to Arguments

Applicant's arguments, see remarks, filed 4/10/2008, with respect to the

rejection(s) of claim(s) 1-26 under 103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a

new ground(s) of rejection is made in view of Rothschild-Gisby.

Terminal Disclaimer

The terminal disclaimer filed on 1/15/2008 disclaiming the terminal portion of any

patent granted on this application which would extend beyond the expiration date of

6,636,590 has been reviewed and is accepted. The terminal disclaimer has been

recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 1,3-6,9,11,13-16,19,21-24, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rothschild et al. (U.S. Patent Publication 2002/0003867 referred it as

Rothschild) in view of Gisby (United States Patent 5,943,416)

For claim 1, Rothschild teaches, a method comprising:

receiving from a user one or more search criteria, via an audio connection, presenting

during the audio connection, a list of one or more service providers in an audio form to

the user, according to the one or more search criteria (restaurant name or type of food

is provided by the restaurant);

determining a selection of the user for a selected service provider from the list;

during the audio connection, connecting the user with the selected service provider for a

live conversation via the audio connection; (Rothschild, paragraph 12, 14-23 39, 40 and

figure 1, service provider is a broadly construed as anyone who provides service)

Rothschild fails to clearly disclose, detecting a completion of the live conversation

between the user and the selected service provider; and while the user remains

connected to the audio connection prompting the user for a quality of service rating for

services rendered by the service provider in response to a detected completion of the

liver conversation.

Gisby teaches, detecting a completion of the live conversation between the user

and the selected service provider; and (Gisby, Col. 7 lines 15-20, after transaction)

while the user remains connected to the audio connection, prompting the user for

a quality of service rating for services rendered by the service provider in response to a

detected completion of the live conversation.

(Gisby, Col. 5 Col. 41-60, survey)

Gisby and Rothschild are both in the field of speech interaction with a customer

Gisby is compatible with Rothschild because Gisby allow for different types of audio

service (Gisby, Col. 4 lines 5-13)

It would be obvious of one of ordinary skill in the art at the time of the invention to

combine the system of Rothschild with the method of Gisby because Gisby provides a

way to improve service for callers (Gisby, Col. 3 lines 50-53)

For claim 3, Rothschild-Gisby teaches, the method of claim 1, further comprising:

receiving a request from a service provider for inclusion in the service provider

database; and

when the service provider is approved for inclusion in the service provider

database, generating a record in the service provider database, the record including

provider information contained in the request, wherein the provider information includes

a field of service, one or more of specific expertise of the service provider, (Rothschild,

paragraph 12, 14-23 39, 40 and figure 1)

Rothschild fails to teach, one or more languages spoken by the service provider.

It would have been obvious to on of ordinary skill in the art at the time of the

invention was made to add a language spoken by the service provider to the method of

Rothschild in order to better serve the customer, as it would be obvious that the service provider would speak the language of the area and would list additional languages if applicable.

For claim 4, Rothschild- Gisby teaches, the method of claim 1, further comprising:

billing the user for the live conversation with the selected service provider; and compensating the selected service provider for the live conversation with the user. (Rothschild, paragraph 29 thru 37)

For claim 5, Rothschild- Gisby teaches, the method of claim 4, wherein the billing the user further comprises:

measuring a duration of the live conversation between the user and the selected service provider; and

calculating a billing amount for the user based on the duration of the live conversation and a time-based price charged by the selected service provider. (Rothschild, paragraph 29 thru 37)

For claim 6, Rothschild- Gisby teaches, the method of claim 4, wherein the billing the user further comprises:

calculating a billing amount for the user based on a flat fee charged by the service provider. (Rothschild, paragraph 29 thru 37)

For claim 9, Rothschild- Gisby teaches, the method of claim 1, recording the service

rating provided by the user in a service provider database. (Gisby, Col. 5 lines 43-60,

cached for later review, Col. 7 lines 59-65, generate information) The same motivation

that was utilized in the rejection of claim 1, applies equally as well to claim 9.

Claims 11, 13-16, 19 and 24 list all the same elements of claims 1, 3-6, and 9.

Therefore, the supporting rationale of the rejection to claims 1, 3-6, and 9 applies

equally as well to claims 11, 13-16, 19 and 24.

For claim 21, Rothschild- Gisby teaches, an audio portal service provider system

comprises:

an interface to an audio connection;

an audio recognition engine to receive one or more search criteria in an audio

form from a user, via the audio connection, for a service provider; and

a processor coupled to the audio recognition engine and the interface, the

processor to search a service provider database according to the one or more search

criteria to generate a list of one or more service providers for presentation to the user in

an audio form, the processor to further determine a selection of the user for a selected

provider from the list via the audio recognition engine, and the process to cause the

interface to connect the user with the selected service provider for a live conversation

via the audio connection, (Rothschild, paragraph 12, 14-23 39, 40 and figure 1,

restaurant name, type, locaiton) the processor to detect a completion of the liver

conversation between the user and the selected service provider and to prompt the user

for a quality of service rating for services rendered by the service provider in response

to a detected completion of the liver conversation (Gisby, Col. 7 lines 15-20, after

transaction)

For claim 22, Rothschild- Gisby teaches the system of claim 21, further wherein:

the interface is coupled to the processor to provide the user with an audio list of

available fields of service providers, accept a field of service desired by the user,

provide the user with a list of one or more service providers stored in a service provider

database which match the one or more search criteria and the field of service desired

by the user, and receive a selection from the user for a selected provider. (Rothschild,

paragraph 12, 14-23 39, 40 and figure 1)

For claim 23, Rothschild- Gisby teaches, the system of claim 21, the system of claim 21,

further comprising:

a network interface coupled to the processor to receive a request from a service

provider of a field of service for inclusion in the service provider database, and the

processor to generate a record for storage in the service provider database, the record

including provider information contained in the request. (Rothschild, paragraph 12, 14-

23 39, 40 and figure 1)

For claim 26, Rothschild- Gisby teaches, the system of claim 21, wherein the interface

comprises:

a wireless communications network interface; (Rothschild, paragraph 12, 14-23

39, 40 and figure 1, location is not selected from an option list)

Claim Rejections - 35 USC § 103

Claims 1-2, 11-12, 7-9, 17-19, 21, 22, and 25 are rejected under 35 U.S.C.

103(a) as being unpatentable over Levin et al. (U.S. Patent 6,173,279) in view of Gisby

(United States Patent 5,943,416).

For claim 1, Levin teaches, a method comprising:

receiving from a user one or more search criteria, via an audio connection,;

(Levin, abstract, Col. 2 lines 15-29, Col. 2 lines 60-67, natural language query,

telephone call)

presenting during the audio connection, a list of one or more service providers in

an audio form to the user, according to the one or more search criteria; (Levin, Col. 6

lines 45-50, question, "Venezia or Della Roma", Col. 6 lines 57-60, list of possibilities;

restaurant name or type of food is provided by the restaurant or restaurant location)

determining a selection of the user for a selected service provider from the list;

and (Levin, Col. 6 lines 45-50, additional question are used to formulate a new logical

search query, Col. 6 lines 57-60, choose from list of possibilities)

during the audio connection, connecting the user with the selected service

provider for a live conversation via the audio connection. (Levin, Col. 7 lines 12-14,

establish a telephone connection between the pizza restaurant and the user)

Levin fails to clearly disclose, detecting a completion of the live conversation between

the user and the selected service provider; and

prompting the user for a quality of service rating for services rendered by the service

provider in response to a detected completion of the liver conversation.

Gisby teaches, detecting a completion of the live conversation between the user

and the selected service provider; and (Gisby, Col. 7 lines 15-20, after transaction)

prompting the user for a quality of service rating for services rendered by the

service provider in response to a detected completion of the live conversation.

(Gisby, Col. 5 Col. 41-60, survey)

Gisby and Levin are both in the field of speech interaction with a customer

Gisby is compatible with Levin because Gisby allow for different types of audio service

(Gisby, Col. 4 lines 5-13)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Levin with the method of Gisby because Gisby provides a way to improve service for callers (Gisby, Col. 3 lines 50-53)

For claim 2, Levin- Gisby teaches, the method of claim 1, further comprising:

converting the one or more search criteria from an audio form into a database query to search a service provider database, comprising responsive to ; (Levin, Col. 4 lines 47-64, natural language queries)

a voice entry of a search criterion, converting the voice entry utilizing interactive voice recognition software; and (Levin, Col. 5 lines 36-59, natural language to string of logical search queries Col. 6 lines 48-49, interactive)

Levin fails to clearly disclose, a keypad entry of a search criterion, converting a single generated by the keypad entry utilizing a Dual Tone Multi-Frequency (DTMF) decoder.

A DTMF system is compatible with that of Levin Natural Language query system, since DTMF as well known tone and sound that can be integrated in the Natural Language query system, by associated the sound with the specific number.

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to add the feature of DTMF, keypad with that of Natural Language query system because it is well known in the art at the time of invention to make use of

touch tones (DTMF, keypad) when making a phone call and interfacing with a

automated system.

For claim 7, Levin- Gisby teaches, the method of claim 1, wherein the one or

more include one of a voice request and a keypad entry response and includes one or

more of a category of service providers, a service provider price, service provider

availability, service provider specific expertise, service provider language and a service

provider minimum quality rating. (Levin, Col. 8 lines 15-32, expensive, low price)

For claim 8, Levin- Gisby teaches, the method of claim 1, further comprises:

providing the user with an audio list of a wide array of fields of service

available from the audio portal service provider system; and (Levin, Col. 6 lines 57-67,

list the possibilities)

providing the user with a unique audio field of service code corresponding

to each field of service within the audio list of fields of service, wherein an keypad entry

of a field of service code is received via the audio connection to select a desired field of

service for the one or more search criteria; wherein at least on of the one or more

search criteria is not a selection from an option list. (Levin, Col. 6 lines 45-67)

For claim 9, Levin- Gisby teaches, the method of claim 1, recording the service rating

provided by the user in a service provider database. (Gisby, Col. 5 lines 43-60, cached

for later review, Col. 7 lines 59-65, generate information) The same motivation that was

utilized in the rejection of claim 1, applies equally as well to claim 9.

For claim 10, Levin- Gisby teaches, the method of claim 1, wherein determining a

selection from the user further comprises:

when the selection of the user includes a voice request, converting the voice

request into a database query language format using integrated voice recognition

software to determine the service provider selected by the user; (Levin, Col. 5 lines 36-

60, natural language)

when the selection of the user includes a keypad entry response, converting a

signal generated by the keypad entry response into a database query language format

to determine the service provider selected by the user; and (Levin, Col. 8 query

questions)

querying the service provider database according to the generated query to

select the service provider desired by the user to enable connection between the user.

(Levin, Col. 7 lines 12-15, establish telephone connection)

For claim 21, Levin- Gisby teaches, an audio portal service provider system comprises:

an interface to an audio connection; (Levin, Col. 2 lines 60-67, telephone)

an audio recognition engine to receive one or more search criteria in an audio

form from a user, via the audio connection, for a service provider; and (Levin, Col. 5

lines 36-60, natural language)

a processor coupled to the audio recognition engine and the interface, the

processor to search a service provider database according to the one or more search

criteria to generate a list of one or more service providers for presentation to the user in

an audio form, the processor to further determine a selection of the user for a selected

provider from the list via the audio recognition engine, and the process to cause the

interface to connect the user with the selected service provider for a live conversation

via the audio connection, (Levin, Col. 8 query questions, Col. 6 lines 57-67, list the

possibilities, restaurant name, type, location) the processor to detect a completion of the

liver conversation between the user and the selected service provider and to prompt the

user for a quality of service rating for services rendered by the service provider in

response to a detected completion of the live conversation. (Gisby, Col. 7 lines 15-20,

after transaction, Col. 5 Col. 41-60, survey) The same motivation that was utilized in the

rejection of claim 1, applies equally as well to claim 21.

For claim 22, Levin- Gisby teaches, the system of claim 21, further wherein:

the interface is coupled to the processor to provide the user with an audio

list of available fields of service providers, accept a field of service desired by the user,

provide the user with a list of one or more service providers stored in a service provider

database which match the one or more search criteria and the field of service desired

by the user, and receive a selection from the user for a selected provider. (Levin, Col. 8

query questions,)

For claim 25, Levin- Gisby teaches, the system of claim 21, wherein the interface comprises:

a public switched telephone network interface; (Levin, Col. 2 lines 60-67, telephone)

wherein the processor searches the service provider database to generate the list of one or more service providers based at least partially on information indicating availability for service providers to conduct live conversation. (Levin, Col. 8 query questions, Col. 6 lines 57-67, list the possibilities)

For claim 27, Levin- Gisby teaches, the method of claim 1, wherein the field of service desired by the user and the one or more search criteria include a field of service provided by the user over the audio connection without the user browsing through a list of available fields of service via the audio connection(Levin, Colo. 8, Col.5 Col. 37-60, natural language)

For claim 28, Levin- Gisby teaches, the method according to claim 1, wherein at least one of the one or more search criteria is provided by the user over the audio connection without the user receiving a list of available options over the audio connection without the user receiving a list of available options over the audio connection. (Levin, Col. 8, American, diner, fast food)

Claim Rejections - 35 USC § 103

Claims 2, 7, 8, 10, 12, 17, 18, 20, 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rothschild-Gisby in view of Shaffer et al. (U.S. Patent 5,901,214

referred to as Shaffer).

For claim 2, Rothschild- Gisby teaches, the method of claim 1, further comprising:

wherein when the one or more search criteria include a voice request for a field

of service desired by the user, converting the voice request into a database query

language format utilizing interactive voice recognition software; (Rothschild, paragraphs

42 thru 50)

Rothschild- Gisby fails to clearly disclose, when the audio request from the user

includes a keypad entry response from the user, converting a signal generated by the

user's keypad entry into a database query language format in order to enable selection

of service providers matching the field of service desired by the user from the service

provider database; and

querying the service provider database according to the generated query of the

field of service desired by the user in order to generate a list of one or more service

providers matching the user's desired field of service.

Shaffer teaches, wherein when the audio request from the user includes a

keypad entry response from the user, converting a signal generated by the user's

keypad entry into a database query language format in order to enable selection of

service providers matching the field of service desired by the user from the service

provider database; and

querying the service provider database according to the generated query of the

field of service desired by the user in order to generate a list of one or more service

providers matching the user's desired field of service. (Shaffer, Col. 3 lines 3-15, Col. 20

line 59 to Col. 21 line 10)

Shaffer and Rothschild are both in the field of phone interaction with a computer

system.

Shaffer is compatible with Rothschild because Rothschild provides a direct

connection between the phone call and a server that routes the phone call, Shaffer

provides for a CTI (Computer Telephone integration), which is a system, which is

designed to rout phone calls. (Shaffer, abstract, Col. 2 line 59-67) (Rothschild,

paragraph 12)

It would be obvious of one of ordinary skill in the art at the time of the invention to

combine the system of Rothschild with the method of Shaffer it is well know to add

additional feature to a existing server which is used to interface to the communication

system, which Rothschild allows for variations, since Shaffer discuss can be placed in

the answering interface. (Shaffer, Col. 1 line 47 to Col. 2 line 6) and (Rothschild,

paragraph 4, 5) Additionally Shaffer provides for a faster interface. (Col. 21 lines 21-23)

For claim 7, Rothschild-Gisby-Shaffer teaches, the method of claim 1, wherein the one

or more search criteria include one of a voice request and a keypad entry response and

includes one or more of a category of service providers, a service provider price, service

provider availability, service provider specific expertise, service provider language and a

service provider minimum quality rating. (Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to

Col. 21 line 10) The same motivation that was utilized in the rejection of claim 2, applies

equally as well to claim 7.

For claim 8, Rothschild-Gisby-Shaffer teaches, the method of claim 1, further

comprises:

    providing the user with an audio list of a wide array of fields of service available

from the audio portal service provider system; and

    providing the user with a unique audio field of service code corresponding to

each field of service within the audio list of fields of service, wherein an keypad entry of

a field of service code is received via the audio connection to select a desired field of

service for the one or more search criteria; wherein at least on of the one or more

search criteria is not a selection from an option list. (Shaffer, Col. 3 lines 3-15, Col. 20

line 59 to Col. 21 line 10) The same motivation that was utilized in the rejection of claim

2, applies equally as well to claim 8.

For claim 10, Rothschild-Gisby-Shaffer teaches, the method of claim 1, wherein

determining the selection of the user further comprises:

When the selection of the user includes a voice request, converting the voice

request into a database query language format using integrated voice recognition

software to determine the service provider selected by the user;

when the selection of the user includes a keypad entry response, converting a

signal generated by the keypad entry response into a database query language format

to determine the service provider selected by the user; and

querying the service provider database according to the generated query to select the

service provider desired by the user. (Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to Col.

21 line 10) The same motivation that was utilized in the rejection of claim 2, applies

equally as well to claim 10.

Claims 12, 17, 18, and 20 list all the same elements of claims 2, 7, 8, and 10 but in

medium form rather than method form. Therefore, the supporting rationale of the

rejection to claims 2, 7, 8, and 10 applies equally as well to claim s 12, 17, 18, and 20.

For claim 25, Rothschild-Shaffer teaches, the system of claim 21, wherein audio

connection further comprises:

a public switched telephone network interface to connect a user to the system.

(Shaffer, Col. 3 lines 3-15)The same motivation that was utilized in the rejection of claim

2, applies equally as well to claim 25.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M-H 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145